



Paper No. 19

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In re Application of: Christian Mayaud)	
Application No. 09/201,107)	DECISION ON PETITION UNDER 37
Filed: November 30, 1998)	C.F.R. § 1.181(a) TO INVOKE
For: PRESCRIPTION MANAGEMENT)	SUPERVISORY AUTHORITY
- SYSTEM)	

This is a decision on a petition, filed 29 October 2001, under 37 C.F.R. § 1.181(a) to invoke Supervisory Authority requesting the Director to reverse the Primary Examiner's holding as to the Grouping of Claims under appeal as set forth in the Examiner's Answer (mail date 28 August 2001).

37 C.F.R. § 1.181(a) states:

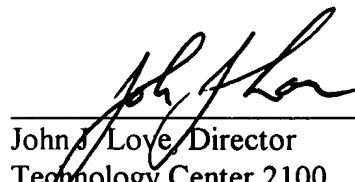
(a) Petition may be taken to the Commissioner: (1) From any action or requirement of any examiner in the *ex parte* prosecution of an application which is not subject to appeal to the Board of Patent Appeals and Interferences or to the court; (2) In cases in which a statute or the rules specify that the matter is to be determined directly by or reviewed by the Commissioner; and (3) To invoke the supervisory authority of the Commissioner in appropriate circumstances. For petitions in interferences, see § 1.644.

In this instance, Applicant disagrees with Examiner's position on the grouping of claims. This is an issue in the appeal subject to the determination of the Board of Patent Appeals and Interferences. Therefore, this is not proper subject matter for petition under 37 C.F.R. § 1.181(a).

The petition is **DENIED**

Applicant is advised that the Reply Brief affords Applicant the opportunity for contesting the position taken by the Primary Examiner in the Examiner's Answer.

The application file is being returned to the Board of Patent Appeals and Interferences where it will await a decision.



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